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(106)
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PENNSYLVANIA PROTECTION AND
ADVOCACY, INC.,

Plaintiff,

v.

DEPARTMENT OF PUBLIC WELFARE
OF THE COMMONWEALTH OF
PENNSYLVANIA; *et al.*,

Defendants.

Civil Action No. 1:00-CV-1582

Judge Caldwell

FILED
HARRISBURG, PA

SEP 25 2002

MARY E. D'ANDEA, CLERK
Per
Deputy Clerk

**MOTION TO RESPOND TO NEWLY-PRODUCED EVIDENCE
RELEVANT TO PENDING SUMMARY JUDGMENT MOTIONS**

Plaintiff Pennsylvania Protection and Advocacy, Inc., through its counsel, submits this Motion to Respond to Newly-Produced Evidence Relevant to Pending Summary Judgment Motions. On September 11, 2002, Defendants's counsel sent to Plaintiff's counsel additional documents. Those documents included the results of a Department of Health survey of South Mountain Restoration Center ("SMRC") dated March 7, 2002 that renders misleading certain statements made

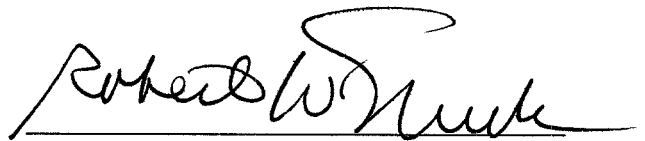
to the Court in Defendants' summary judgment brief filed more than one month later on April 15, 2002. Even more significantly, those documents included Annual Physical Examinations for several SMRC residents that are inconsistent with the declarations of those physicians and the expert report submitted to this Court in support of Defendants' summary judgment motion. These belatedly-produced documents undermine the trustworthiness of the evidence submitted and statements made by Defendants in their summary judgment papers.

In support of this Motion, Plaintiff submits a Brief and Exhibits, which are incorporated by reference as if fully set forth herein.

Respectfully submitted,

Dated: September 23, 2002

By:



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